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/David J. McKenzie/  
Attorney for Applicant

PATENT  
Docket No. SJO920030055US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Joseph John Fatula JR.	)	
		)	
Serial No.:	10/736,413	)	
		)	
Filed:	December 15, 2003	)	Group Art
		)	Unit: 2145
For:	APPARATUS, SYSTEM, AND METHOD FOR GRID	)	
	BASED DATA STORAGE	)	
		)	
Examiner:	Lin Liu	)	
		)	

RESPONSE TO OFFICE ACTION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Examiner:

This document is submitted in response to the Office Action mailed on June 7, 2007, with respect to the restriction requirement.

## ELECTION

Applicants would like to elect invention I, consisting of claims 1-25 and 30-46 with traverse.

Applicants wish to traverse the restriction requirement on the grounds that the inventions or species are obvious variants of each other particularly in view of the fact that the independent claims 1, 16, and 19 are drawn to the broader overall concept of managing of backing up of data across a plurality of clients. Applicants would like to draw the Examiner's attention to claims 21-24 which depend directly or indirectly from claim 19 in the set of claims identified as invention I which include a subscription manager. Applicants note that the same subscription manager is specifically called out in claims 26-29 which the Examiner proposes be restricted. Applicants note that the subscription manager is a logical and obvious extension of the features and capabilities recited in the claims of invention I. The subscription manager in Claims 26-29 includes substantially the same subject matter and features or a logical and obvious extension of the features recited in the other claims of invention I. Therefore, Applicants traverse the rejection on the grounds that the inventions or species are not patentably distinct.

Should the examiner disagree, Applicants elect invention 1 and traverse the restriction requirement to preserve the right to pursue all claims, claims 1-46, as necessary later in prosecution.

Respectfully submitted,

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